



Legislative Bulletin.....March 30, 2004

Contents:

- H.Res. 558** — Welcoming the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization (NATO)
- H.R. 3036** — Department of Justice Appropriations Authorization Act, Fiscal Years 2004 through 2006
- S. 2231** — Welfare Reform Extension Act of 2004
- S. 2241**—To reauthorize certain school lunch and child nutrition programs through June 30, 2004
- S. 2057** — To require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses incurred by the members in connection with leave under the Central Command Rest and Recuperation Leave Program before the program was expanded to include domestic travel
- H.R. 3104** — To provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom
- H.Con.Res. 386**—Congratulating the United States Air Force Academy on its 50th Anniversary and recognizing its contributions to the nation
- H.R. 3966**—ROTC and Military Recruiter Equal Access to Campus Act of 2004

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0*

Year to Date Prior to Today's Bills: 15

Total Cost of Discretionary Authorizations: At least \$58.5 billion over five years**

Year to Date Prior to Today's Bills: \$22.9 billion[#] over five years

Total Amount of Revenue Reductions: \$0

Year to Date Prior to Today's Bills: \$336.5 million over five years

Total Change in Mandatory Spending: At least \$447 million over five years**

Year to Date Prior to Today's Bills: -\$52 million over five years

Total New State & Local Government Mandates: 0

Year to Date Prior to Today's Bills: 10[#]

Total New Private Sector Mandates: 0

Year to Date Prior to Today's Bills: 11

*The DOJ Authorization eliminates 7 programs that are not currently funded, and consolidates 2 programs into 1

**A cost estimate of H.R. 2241, the temporary extension of child nutrition and school lunch programs, is unavailable. The bill authorizes both discretionary and mandatory spending.

[#] This figure does not include H.R. 3873, the Child Nutrition Improvement and Integrity Act. A CBO analysis of this bill is not yet completed.

H.Res. 558—Welcoming the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization (NATO) (Bereuter)

Order of Business: The resolution is scheduled to be considered on Tuesday, March 30th, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 558 would resolve that the House:

- “welcomes with enthusiasm the accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to the North Atlantic Treaty Organization (NATO);
- “reaffirms that the process of NATO enlargement enhances the security of the United States and the entire North Atlantic area;
- “agrees that the process of NATO enlargement should be open to potential membership by any interested European democracy that meets the criteria for NATO membership as set forth in the 1995 Study on NATO Enlargement and whose admission would further the principles of the Washington Treaty of 1949 and would enhance security in the North Atlantic area; and
- “recommends that NATO heads of state and government should review the enlargement process, including the applications of Albania, Croatia, and Macedonia, at a summit meeting to be held no later than 2007.”

Additional Background: On November 21, 2002, in Prague, NATO leaders invited Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to commence accession negotiations with NATO. On March 26, 2003, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia signed accession protocols to the Washington Treaty of 1949, and on May 8, 2003, the Senate voted 96-0 to give its advice and consent to ratification by the United States of the seven accession protocols. On March 2, 2004, NATO announced that all 19 NATO members had approved the accession protocols.

Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia are scheduled to become members of NATO on April 2, 2004, and are expected to join the NATO meeting as full members in Istanbul on June 28 and 29, 2004.

Albania, Croatia, and Macedonia, the remaining countries currently in NATO's Membership Action Plan, signed the United States-Adriatic Charter on May 2, 2003, thereby affirming their commitment to NATO's values and principles and the desire to join NATO at the earliest possible time.

On October 2, 2002, the House passed a detailed resolution (H.Res. 468—107th Congress) about NATO expansion by a vote of 358-9, with one Member answering “present”:

<http://clerk.house.gov/evs/2002/roll444.xml> To read the RSC Legislative Bulletin on this resolution, visit this webpage: <http://johnshadegg.house.gov/rsc/Lb100702.pdf>

This Congress, the House also (twice) passed a concurrent resolution supporting the accession of Albania, Croatia, and The Former Yugoslav Republic of Macedonia into NATO:

Vote of 381-1: <http://clerk.house.gov/evs/2003/roll299.xml>

Vote of 416-1 (Senate-amended version): <http://clerk.house.gov/evs/2003/roll653.xml>

Committee Action: On March 17, 2004, the Europe Subcommittee marked up and forwarded the resolution to the full International Relations Committee by voice vote. The full Committee has taken no official action.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 3036—Department of Justice Appropriations Authorization Act, Fiscal Years 2004 through 2006 (Sensenbrenner)

Order of Business: The bill is scheduled to be considered on Tuesday, March 30th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3036 would authorize appropriations for the Department of Justice for fiscal years 2004, 2005, and 2006, as follows.

Authorizations of Appropriations (FY2003 authorization in current law [*italicized*] followed by the FY2004, FY2005, and FY2006 authorizations in H.R. 3036 for each item):

- **General Administration--** *\$121,079,000*; \$133,772,000; \$136,447,000; \$139,176,000
- **Administration of pardon and clemency petitions and for immigration-related activities--** *\$198,869,000*; \$197,420,000; \$201,368,000; \$205,395,000
- **Office of the Inspector General--** *\$66,288,000*; \$70,000,000; \$71,400,000; \$72,828,000 (including \$10,000 in each fiscal year for “unforeseen emergencies of a confidential character”)
- **General legal activities--** *\$659,181,000*; \$665,346,000; \$678,652,000; \$692,225,000 (including not less than \$4 million in each fiscal year for Nazi war criminals cases, up to \$20,000 in each fiscal year for confidential emergencies, and “such sums as may be necessary” for administrative expenses in accordance with the Radiation Exposure Compensation Act)
- **Antitrust Division--** *\$141,855,000*; \$141,898,000; \$144,736,000; \$147,631,000
- **United States Attorneys--** *\$1,550,948,000*; \$1,556,784,000; \$1,587,920,000; \$1,619,678,000 (not less than \$10 million in each fiscal year for the prosecution of intellectual property crimes)

- **FBI--** \$4,323,912,000; \$4,639,569,000; \$4,732,360,000; \$4,832,107,000 (including up to \$1.25 million for construction, \$70,000 for confidential emergencies, and “such sums as may be necessary” to assign employees to the Terrorism Threat Integration Center)
- **U.S. Marshals Service--** \$737,346,000; \$720,806,000; \$735,222,000; \$749,926,000 (including up to \$1.37 million for construction)
- **Federal Prison System** (including National Institute of Corrections)-- \$4,605,068,000; \$4,677,214,000; \$4,770,758,000; \$4,866,173,000
- **Drug Enforcement Administration--** \$1,582,044,000; \$1,558,743,000; \$1,589,918,000; \$1,621,716,000 (including up to \$70,000 in each fiscal year for confidential emergencies)
- **Bureau of Alcohol, Tobacco, Firearms, and Explosives--** \$851,987,000; \$869,027,000; \$886,407,000
- **Fees and expenses of witnesses--** \$156,145,000; \$156,145,000; \$156,268,000; \$159,393,000 (including up to \$6 million in each fiscal year for construction of protected witness safesites)
- **Interagency crime and drug enforcement--** \$362,131,000; \$541,844,000; \$552,681,000; \$563,918,000
- **Foreign Claims Settlement Commission--** \$1,194,000; \$1,212,000; \$1,236,000; \$1,260,000
- **Community Relations Service--** \$10,732,000; \$9,526,000; \$9,716,000; \$9,910,000
- **Assets Forfeiture Fund--** \$22,949,000; \$22,949,000; \$23,949,000; \$24,428,000
- **United States Parole Commission--** \$11,355,000; \$11,051,000; \$11,272,000; \$11,497,000
- **Federal Detention Trustee--** \$1,388,583,000; \$810,125,000; \$826,327,000; \$842,854,000
- **Identification System Integration--** \$24,505,000; \$34,077,000; \$34,758,000; \$35,453,000
- **Costs of conversions to narrowband communications--** \$149,292,000; \$140,083,000; \$142,885,000; \$145,743,000
- **Office of Justice Programs--** \$215,811,000; \$145,768,000; \$148,683,000; \$151,657,000
- **Legal Activities Office--** \$15,942,000; \$33,240,000; \$33,904,000; \$34,582,000
- **Counterterrorism Fund--** \$35,000,000; \$1,000,000; \$1,020,000; \$1,040,000

Modifying DOJ Grant Programs:

- Repeals seven grant programs that have not been funded in recent years: the Criminal Justice Facility Construction Pilot Program; the Family Support Program; the Matching Grant Program for School Security; the Local Crime Prevention Block Grant Program; the Assistance for Delinquent and At-Risk Youth Program; and the Improved Training and Technical Automation Program; the Other State and Local Aid Program.
- Repeals the requirement that the Office of Justice Programs provide notice, a hearing, and an appeals process for grant applicants whose applications are denied.
- Establishes a new Office of Audit, Assessment, and Management within the Office of Justice Programs (OJP) to audit, exercise corrective actions with respect to, and manage information with respect to, the COPS programs, any grant program carried out by OJP, and any other DOJ grant program that the Attorney General deems appropriate (including establishing and maintaining an automated information management system to track all grants). Funds the new Office from (up to) 5% of all funding made available for the programs covered by the Office.
- Establishes a new Community Capacity Development Office within OJP to provide regional and local training to actual and prospective participants in the COPS programs, any grant program carried out by OJP, and any other DOJ grant program deemed appropriate by the Attorney General. Funds the new Office from (up to) 5% of all funding made available for the programs covered by the Office.
- Establishes a new Office of Applied Law Enforcement Technology to “provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.”
- Requires the Assistant Attorney General of OJP to make two financial management reforms: (1) consolidate all accounting activities of OJP into a single financial management system under the direct management of the Office of the Comptroller by September 30, 2010, and (2) consolidate all procurement activities of OJP into a single procurement system under the direct management of the Office of Administration by September 30, 2007. Sets deadlines for achieving compliance along the way.
- Consolidates the current Byrne Grant Program (both formula and discretionary) and the Local Law Enforcement Block Grant Programs into one new Edward Byrne Memorial Justice Assistance Grant Program, allowing states and localities to submit one application for this money annually for a four-year term. Grant funds could be used by state or local governments to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for laws enforcement, courts, corrections, drug treatment, prevention programs, and other such justice-related activities. Sets new formula for grants and requires that states and localities establish an interest-bearing trust fund in which to deposit amounts received under the Program. Authorizes \$1.075 billion for the consolidated Program for FY2004 and “such sums as may be necessary” for FY2005-FY2008. According to the Judiciary Committee, the FY2004 figure represents a 2% increase over the amount appropriated for both programs in FY2003.

- Creates a new congressional medal for all of those public safety officers who were killed in the September 11th terrorist attacks, and creates a congressional plaque for all units that responded to the attacks. Authorizes “such sums as may be necessary” for the new medals and plaques.
- Amends current law for the Bureau of Justice Statistics (42 U.S.C. Sec. 3732) to: (1) clarify that the Director shall be responsible for the integrity of data and statistics and the prevention of improper or illegal use or disclosure; (2) provide specific authorization for the already-existing National Criminal History Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center and facilitate state participation in these systems; and (3) facilitate data-sharing agreements between the Bureau of Justice Statistics and other federal agencies.
- Establishes within the Office of Justice Programs a new Office of Weed and Seed Strategies (replacing the current Executive Office of Weed and Seed) to “prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated...communities.” Authorizes \$58,265,000 for FY2004 and “such sums as may be necessary” for FY2005 and FY2006. Sets federal share of any funded project at 75%.
- Amends the Crime Victim Assistance Grants Program to allow grants of less than \$10,000 to be made to smaller neighborhood and community-based victim service organizations.
- Clarifies that state and tribal governments may use grant funds under violence against women programs to pay for forensic medical exams for sexual assault victims, as long as the victims are not required to seek reimbursement from their insurers or to cooperate with law enforcement.
- Amends the Juvenile Drug Court Grant Program so that offenders who are convicted of a *violent* misdemeanor may participate in the program (only non-violent offenders can participate under current law). Repeals the requirement that all states must receive a minimum allocation under the Program regardless of the quality of its application.
- Allows 3-5 years of extensions for certain states to comply with requirements to establish registries of offenders who have committed crimes against minors or who have committed sexually violent crimes.
- Makes numerous other clarifications and technical fixes to a variety of DOJ grant programs.

Miscellaneous provisions:

- Directs the Attorney General to designate a privacy officer (a senior official with the primary responsibility for privacy policy at DOJ, as detailed in the legislation).
- Requires that the Justice Department, for any predominantly internal training or conference meeting, use only facilities that do not require payment to a private entity.
- Requires the Director of the Executive Office for United States Trustees to prepare an annual report to the Congress detailing: (1) the number and types of criminal referrals made by the Trustee Program; (2) the outcomes of each criminal referral; (3) any decrease in the number of

criminal referrals from the previous year; and (4) the Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to a debtor's failure to disclose assets.

- Requires the Attorney General to submit an annual report to Congress specifying the number of U.S. citizens or residents detained on suspicion of terrorism.
- Makes a variety of purely technical changes to various portions of Title 18 of the U.S. Code.

DNA Database Enhancement:

- Amends the DNA Analysis Backlog Elimination Act of 2000 to require any state which receives grants under that Act to include within its DNA database every person convicted of a violent felony under its state law.
- Amends the provisions of the Violent Crime Control and Law Enforcement Act of 1994 so that the DNA of people arrested for crimes and the DNA of persons from whom DNA samples have been lawfully taken under state law could be included in the DNA database authorized under that Act.
- Amends the DNA Analysis Backlog Elimination Act of 2000 to prohibit any state which receives grants under that Act from limiting its law enforcement officers from comparing lawfully obtained DNA samples with the information in the national DNA database.
- Permanently reauthorizes “such sums as may be necessary” to fund the DNA Backlog Grant Programs first authorized under the DNA Analysis Backlog Elimination Act of 2000.

Koby Mandell Act:

- Establishes a new DOJ office to facilitate the capture of terrorists who have harmed American citizens overseas and to ensure that all American victims of overseas terrorism are treated equally (as detailed in the legislation). Cites as the basis for this Office the relatively unequal treatment that American victims of terrorism in Israel have received compared to the American victims of terrorism elsewhere in the world. Permanently authorizes “such sums as may be necessary” for this Office. To see an RSC document about Americans killed and wounded by Palestinian terrorism since September 1993, visit this webpage periodically:
<http://johnshadegg.house.gov/rsc/Americans%20Killed%20by%20Palestinian%20Terrorism--March%202004.pdf>

Additional Background: The U.S. Department of Justice was last authorized in 2002 through fiscal year 2003 (H.R. 2215—107th Congress; Public Law 107-273). For the most part, the specific authorizations above represent the President’s FY2004 budget request (plus 2% for FY2005, and plus another 2% for FY2006). To read the RSC Legislation Bulletin for the conference report to H.R. 2215 (the version that was signed into law in 2002), please visit this website:
<http://johnshadegg.house.gov/rsc/Lb92602a.pdf>

Before 2002, the last time the Department of Justice was authorized was in 1979.

Committee Action: On September 10, 2003, the Judiciary Committee marked up and ordered H.R. 3036 favorably reported to the full House by voice vote.

Cost to Taxpayers: CBO reports that H.R. 3036 would authorize appropriations of \$18.271 billion in FY2004 and a total of \$58.462 billion over the FY2004-FY2008 period. Furthermore, the legislation would increase mandatory spending by \$45 million in FY2004 and by a total of \$225 million over the FY2004-FY2008 period.

Does the Bill Create New Federal Programs or Rules?: The bill would establish six new offices within DOJ, while eliminating one Executive office, eliminating seven DOJ programs (not currently receiving funding), and consolidating two DOJ programs into one.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Judiciary Committee, in House Report 108-426, fails to cite a specific clause of constitutional authority. Clause 3 of House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

S. 2231 — Welfare Reform Extension Act of 2004 (Sen. Grassley)

Order of Business: The bill is scheduled to be considered on Tuesday, March 30, 2004, under a motion to suspend the rules and pass the bill. On March 25, 2004, the Senate passed the bill by unanimous consent.

Summary: The bill extends until June 30, 2004, federal welfare programs now set to expire on March 31, 2004. In the 107th Congress (H.R. 4737) and in the 108th Congress (H.R. 4), the House passed complete welfare reauthorization bills. The Senate did not consider the 107th bill and has yet to consider the 108th bill. Until a welfare reauthorization bill is signed into law, the welfare programs, which are mandatory spending, expire. This bill, if signed into law, will temporarily continue the programs (last authorized in 1996) at the third quarter 2002 levels.

Additional Information: In the 108th Congress, on February 13, 2003, the House passed H.R. 4, 230-192, to reauthorize the welfare programs for five years (<http://johnshadegg.house.gov/rsc/LB21303.pdf> <http://clerk.house.gov/evs/2003/roll030.xml>). The Senate, which did not take up H.R. 4 in the first session, is scheduled to consider the bill this week. Without Senate reauthorization, Congress has twice voted to temporarily extend the welfare programs. H.R. 2350, which passed the House 406-6 on June 11, 2003, (<http://johnshadegg.house.gov/rsc/LB61103.pdf> <http://clerk.house.gov/evs/2003/roll261.xml>) and was subsequently signed into law, extended TANF through September 2003. H.R. 3146, which passed the House by voice vote on September 24, 2003, and was signed into law, extended the program through March 31, 2004.

Committee Action: On March 25, 2004, the Senate passed the bill by unanimous consent and it was referred to the House Ways and Means and Energy and Commerce Committees, neither of which has considered the bill.

Cost to Taxpayers: According to CBO, the cost estimate for the 3-month extension is \$214 million in budget authority and \$209 million in outlays over a five-year time period, (\$107 million in budget authority and \$58 million in outlays for FY04).

Does the Bill Create New Federal Programs or Rules?: No, the bill extends current TANF (welfare) programs for an additional three months.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: Committee reports citing authority are unavailable.

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; 202-226-9719.

S. 2241—To reauthorize certain school lunch and child nutrition programs through June 30, 2004 (Sen. Cochran)

Order of Business: The bill is scheduled for consideration on Tuesday, March 30th, under a motion to suspend the rules and pass the bill.

Summary: S. 2241 would extend the authorization of the programs under the Richard B. Russell School Lunch Act and the Child Nutrition Act through June 30, 2004.

The House previously extended these programs through March 31, 2004 (H.R. 3232). The House has also passed H.R. 3873, which reauthorizes school lunch and child nutrition programs through 2008, but no similar legislation has been passed by the Senate.

Additional Background: S. 2241 passed the Senate by unanimous consent on March 26.

Committee Action: S. 2241 was not considered by committee.

Cost to Taxpayers: Although a cost estimate is not available, nothing in the bill will affect direct spending or revenues.

Does the Bill Create New Federal Programs or Rules?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is not available.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

S. 2057 — To require the Secretary of Defense to reimburse members of the United States Armed Forces for certain transportation expenses incurred by the members in connection with leave under the Central Command Rest and Recuperation Leave Program before the program was expanded to include domestic travel (Sen. Coleman)

Order of Business: The bill is scheduled to be considered on Tuesday, March 30, 2004, under a motion to suspend the rules and pass the bill. On March 3, 2004, the Senate passed the bill by unanimous consent.

Summary: S. 2057 requires the Secretary of Defense to reimburse a member of the United States Armed Forces “for transportation expenses incurred by such member for one round trip by such member between two locations within the United States in connection with leave taken under the Central Command Rest and Recuperation Leave Program during the period beginning on September 25, 2003, and ending on December 18, 2003.” This was CENTCOM's leave program for servicemen participating in Operation Enduring Freedom or Operation Iraqi Freedom.

Additional Information: In September 2003, the Pentagon started giving soldiers stationed in Iraq two-week leaves and flew them to Germany, Dallas, Baltimore, or Atlanta airports at no cost. Soldiers were then required to pay for their own flights to other destinations. The “Hero Miles” program was started through the efforts of Rep. Dutch Ruppersberger (D-MD) to provide free, round trip tickets donated by the American public to the almost 500 soldiers arriving each day from Iraq. This private, non-government-funded effort, resulted in **more than 534 million frequent flyer miles having been donated by the airlines and travelers throughout the USA, enough for over 22,300 round trip flights.**

As part of Public Law 108-106 (the emergency supplemental for Iraq), Congress appropriated \$55 million and directed DOD to pay for the cost of a servicemen’s travel between those U.S. disembarkation points to his or her final leave destination. Regulations implementing this authority took effect on December 19, 2003, and soldiers traveling since are reimbursed for the extra leg of their trip. The Hero Miles program still covers families visiting wounded soldiers and soldiers on emergency leave (two categories of people not covered under current law). According to its website, following the DOD change, many airlines have halted acceptance of miles pending future clarifying legislation. <http://www.heromiles.org/>

Committee Action: On March 17, 2004, the House Armed Services Committee marked up and reported the bill by voice vote.

Cost to Taxpayers: Because the act would authorize retroactive payments to reimburse servicemen for travel expenses incurred between September 25, 2003, and December 18, 2003, it would increase direct spending. Based on information from DoD, CBO estimates that about 38,000 servicemen took part in CENTCOM's leave program before December 19, 2003, and that about 30,000 of those would seek reimbursement for domestic travel. Assuming approximately \$425 for each roundtrip, **CBO estimates that this legislation would increase direct spending by \$13 million over the 2004-2005 period, with \$7 million paid out in FY04.**

Does the Bill Create New Federal Programs or Rules?: The bill creates a date-specific extension on reimbursements already provided for under current law.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: An Armed Services Committee report citing authority is unavailable.

RSC Staff Contact: Sheila Moloney, Sheila.Moloney@mail.house.gov; 202-226-9719.

H.R. 3104—To provide for the establishment of campaign medals to be awarded to members of the Armed Forces who participate in Operation Enduring Freedom or Operation Iraqi Freedom (*Snyder*)

Order of Business: The bill is scheduled to be considered on Tuesday, March 30th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3104 would direct the President to establish:

- a campaign medal specifically for recognizing service by members of the Armed Forces in Operation Enduring Freedom (Afghanistan); and
- a campaign medal specifically for recognizing service by members of the Armed Forces in Operation Iraqi Freedom.

Eligibility for such medals would be determined by the Pentagon (as detailed in the legislation). The bill sponsor noted that these new campaign medals are not intended to replace the Defense Department's service medal for the global fight against terrorism.

Committee Action: On March 17, 2004, the Armed Services Committee marked up and ordered the bill favorably reported to the full House by voice vote.

Cost to Taxpayers: Although a formal cost estimate is not available, nothing in this bill suggests that it would yield a significant cost to taxpayers.

Does the Bill Create New Federal Programs or Rules?: The bill would create two new campaign medals for members of the Armed Forces.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.Con.Res. 386—Congratulating the United States Air Force Academy on its 50th Anniversary and recognizing its contributions to the nation (Wilson of New Mexico)

Order of Business: The resolution is scheduled for consideration on Tuesday, March 30th, under a motion to suspend the rules and pass the bill.

Summary: H.Con.Res. 386 resolves that Congress:

- “(1) congratulates the United States Air Force Academy on its 50th Anniversary;
- “(2) acknowledges the continued excellence of the United States Air Force Academy and its critical role in the defense of the United States; and
- “(3) recognizes the outstanding service to the Nation that graduates from the United States Air Force Academy have provided.”

Additional Background: On April 1, 1954, President Dwight D. Eisenhower signed legislation establishing the United States Air Force Academy. According to the resolution, 44 classes and 35,000 cadets have graduated from the Air Force Academy in its 50-year history.

Committee Action: H.Con.Res. 386 was introduced on March 16, 2004, and referred to the Committee on Armed Services. The committee did not consider the resolution.

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 3966—ROTC and Military Recruiter Equal Access to Campus Act of 2004 (Rogers of Alabama)

Order of Business: The bill is scheduled for consideration on Tuesday, March 30th, subject to a closed rule with no amendment.

Summary: H.R. 3966 would amend Section 983 of Title 10, U.S. Code (related to military recruitment on college campuses). Specifically, the bill would:

- Require colleges and universities to annually certify whether or not the school will allow ROTC to be operated on campus, or if the military services choose not to operate on the campus, whether or not the school will allow its students to participate in an ROTC program at another college or university. If a school fails to provide certification, the Secretary of Defense would be required to determine if it constitutes a violation of Section 983 of Title 10.
- Requires colleges and universities to give military recruiters access to campuses and students that is at least equal in quality and scope as that provided to any other employer.

- Adds two categories of funding that would be denied to schools that violate Section 983: funds from the Central Intelligence Agency and the National Nuclear Security Administration of the Department of Energy. Also adds back Department of Transportation funding, which was unintentionally removed in the Homeland Security Act of 2002.
- Excludes student aid from funding that could be terminated for violations of Section 983 (this provision has been included in appropriations bills in the past).

Additional Background: The “Solomon Law” (Section 983 of Title 10, U.S. Code) denies funding from the Departments of Defense, Labor, Education, Health and Human Services, and Homeland Security to colleges and universities that prohibit ROTC access and military recruitment activities on their campus.

Committee Action: The Committee on Armed Services favorably reported H.R. 3966 by voice vote on March 17, 2004.

Administration Position: The Administration is supportive of the bill.

Cost to Taxpayers: The Congressional Budget Office estimates that H.R. 3966 would have no significant effect on the federal budget.

Does the Bill Create New Federal Programs or Rules?: The bill does not create any new programs, but does add new rules to existing programs.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Committee on Armed Services, in House Report 108-443, cites Article I, Section 8, but fails to cite a specific clause. Clause 3 of House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

###